

The Highland Licensing Board

Meeting – 28 March 2017

Agenda Item	7.9
Report No	HLB/030/17

Application for the provisional grant of a premises licence under the Licensing (Scotland) Act 2005

Marks and Spencer Simply Food, Unit 3 - Fort William Retail Park, North Road, Fort William, PH33 6PP

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for the provisional grant of a premises licence in respect of Marks and Spencer Simply Food, Unit 3 – Fort William Retail Park, North Road, Fort William, PH33 6PP.

1.0 Description of premises

1.1 Marks and Spencer Simply Food will be a new retail store and café to be located within a new development at Fort William Retail Park, North Road, Fort William.

2.0 Operating hours

2.1 The applicant seeks the following **on-sale** hours:

On sales:

Monday to Sunday: 1100 hours to 2300 hours

The applicant seeks the following **off-sale** hours:

Off sales:

Monday to Sunday: 1000 hours to 2200 hours

3.0 Background

3.1 On 14 February 2017 the Licensing Board received an application for the provisional grant of a premises licence from Marks and Spencer Simply Food Limited per Hill Brown Licensing, RWF House, 5 Renfield Street, Glasgow, G2 5EZ.

The application was accompanied by the necessary Section 50 certification in terms of Planning. (Section 50 building standards and food hygiene certification is not required in respect of a provisional application).

- 3.2 The application was publicised during the period 20 February 2017 until 13 March 2017 and confirmation that the site notice has been displayed has been received.
- 3.3 In accordance with standard procedure, Police Scotland, the Scottish Fire and Rescue Service and the Council's Community Services (Environmental Health) and Planning and Building Standards were consulted on the application.
- 3.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 3.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.6 The applicant must nevertheless be given the opportunity to be heard before the Board determines the application and has accordingly been invited to the meeting. The applicant has been advised of the hearings procedure which may also be viewed via the following link:

http://highland.gov.uk/hlb_hearings

4.0 Legislation

- 4.1 The Licensing Board must, in considering and determining the application, consider whether any grounds of refusal apply and, if none of them applies, the Board must grant the application.

Relevant grounds of refusal are: -

1. that the premises are excluded premises;
2. that the grant of the application would be inconsistent with one or more of the licensing objectives;
3. that having regard to;
 - (i) the nature of the activities proposed to be carried on in the subject premises,
 - (ii) the location character and condition of the premises, and
 - (iii) the persons likely to frequent the premises,the Board considers the premises are unsuitable for use for the sale of alcohol, or
4. that having regard to the number and capacity of licensed premises of the same or similar description in the locality, the Board considers that if the application were to be granted, there would, as a result, be overprovision of licensed premises of that description in the locality.

4.2 If the Board would refuse the application as made, but a modification is proposed by them and accepted by the applicant, the application can be granted as so modified.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

- An application has been received from Marks and Spencer Limited to develop a retail food and café premises within a new development at Fort William Retail Park.
- A competent provisional premises licence application has been submitted by the applicant's agent. The necessary Section 50 certificate in respect of planning has accompanied the application as have sets of detailed lay out plans.
- The alcohol capacity for the shop is under the threshold for the consideration of overprovision as detailed within Highland Licensing Board Policy.
- The hours requested are within the policy hours currently operated by the Board.
- The operating plan submitted with the application is compliant in the opinion of the LSO with the licensing objectives.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (2) Highland Licensing Board Equality Strategy

7.0 Conditions

7.1 Mandatory conditions

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

7.2 Local conditions

No local conditions are considered necessary.

7.3 Special conditions

No special conditions are considered necessary.

Recommendation

The Board is invited to determine the above application.

If the Board is minded to refuse the application, the Board must specify the ground for refusal and, if the ground for refusal is in relation to a licensing objective, the Board must specify the objective in question.

Reference: HC/RSL/1813

Date: 14 March 2017

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Background Papers: The Licensing (Scotland) Act 2005/Application form.